

EXHIBIT 5

Nortey, James A.

From: Peter H. Weinberger <PWeinberger@spanglaw.com>
Sent: Tuesday, June 23, 2020 6:40 PM
To: Moore, Kelly A.; Lavelle, Jr., John P.; David R. Cohen
Cc: Anthony Irpino; MPifko@baronbudd.com; Hunter Shkolnik; Peter Mougey; do Amaral, Paulina; EXT Track1BDefendants
Subject: FW: Rite Aid's Motion to dismiss - CT 3
Attachments: 2020-4-11 PEC Ltr to Rite Aid re Priv. Claims.pdf; 2020-06-22 RAC Jurisdictional RFP FINAL CLEAN (002).docx; 2020-06-22 RAHQ Jurisdictional RFP Final CLEAN2.docx

[EXTERNAL EMAIL]

**** External mail ****

Dear Kelly and John:

Now that Rite Aid Corp. (RAC) has filed its personal jurisdiction motion to dismiss in Track 3, it is appropriate that we take up and continue the jurisdictional discovery. As you know the Court entered an Order Regarding Jurisdictional Discovery of RAC (Doc #3180). After a telecon with SM Cohen, he made several rulings relevant to discovery. (Email March 2, 2020 at 3:01 pm). RAC produced documents and a privilege log and Anthony Irpino responded with a letter dated April 11, 2020 in furtherance of a meet and confer with you scheduled for April 14, 2020. That meet and confer was then cancelled by RAC after the 6th Circuit ruling.

We served you with a 30 b 6 jurisdictional deposition notice on April 10, 2020.

We are desirous of scheduling a meet and confer to discuss the issues set forth in the April 11, 2020 Irpino letter (which is attached) and in addition want to discuss whether your production met the requirements of the discovery rulings of the court.

We note your recently filed motion to dismiss argues that RAC denoted documents which you produced are really Rite Aid Headquarters Corp documents. As a result, we require discovery to explore whether Rite Aid Headquarters Corp is really the alter ego of RAC and so we have propounded additional document requests which are attached.

Please let us know your availability for a m/c to take place within the next week. We should also discuss calendar parameters for this discovery, taking into account the calendar that was previously ordered. We assume you will agree to allow us put off our response until discovery on this issue has been completed.

Pete

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